

United States Bankruptcy Court
Eastern District of Texas
Sherman Division

In re:

Empire Countertops, LLC

1137 Enterprise Dr.

Pilot Point, TX 76258

EIN: 45-1145076

Debtor(s)

Case No. 22-41686-btr

Chapter 11

**DECLARATION UNDER PENALTY OF PERJURY OF
CLAYTON EVERETT ATTESTING TO THE EMERGENCY FACTS**
(28 U.S.C. § 1746)

**STATE OF TEXAS §
 §
COUNTY OF TARRANT §**

I, Clayton Everett, do hereby declare as follows:

I am an attorney of the firm of Norred Law PLLC (“Norred Law”). I am admitted to practice before the United States District Court for the Eastern District of Texas and other federal district courts in Texas. I am a member in good standing of the Texas State Bar. Unless otherwise stated herein, I have personal knowledge of the facts stated herein.

I am filing this Declaration in support of the Complaint seeking turnover of property under 11 U.S.C. § 542 & Application for injunctive relief filed by Empire Countertops, LLC (“Debtor”). I have read the contents of the emergency motion and attest that the facts stated in the motion accurately reflect the emergency basis for the request to hear the motion on less than seven days' notice.

Empire Countertops. LLC filed its petition under chapter 11 of the Bankruptcy Code on December 5, 2022. On the petition date, Empire Countertops Inc. had an interest in the Chase Bank accounts numbers ending in xxx1535, xxx7160, xxx1185 in the collective amount of about

\$140,000. Also on the petition date, Empire had an interest in a merchant account with Block Inc. in the amount of about \$8,000.

On December 7, 2022, I sent demands on Chase Bank and Eagle Eye Advance LLC to turn over the funds held in the Chase Bank accounts. As of the date of this declaration, those funds have not been turned over debtor.

On December 8, 2022, I sent demands on Block Inc. and Last Chance Funding to turn over the funds held in the Block merchant account. As of the date of this declaration, those funds have not been turned over to the debtor.

These funds are needed to pay Empire's employees and to continue to operate the business has a going concern. Without the funds, Empire cannot continue operating its business.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on December 9, 2022.



Clayton L. Everett, Attorney for Norred Law PLLC